

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
OCTOBER 17, 2005

DES MOINES WATER WORKS FACILITY
2201 GEORGE FLAGG PARKWAY
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Vice Chairperson Jerry Peckumn at 10:05 a.m. on Monday October 19, 2005 at the Des Moines Water Works Facility, Iowa.

MEMBERS PRESENT

Suzanne Morrow
Jerry Peckumn, Vice Chair
Donna Buell
Francis Thicke
David Petty
Henry Marquard

MEMBERS ABSENT

Lisa Davis Cook, Secretary
Darrell Hanson, Chair
Mary Gail Scott

ADOPTION OF AGENDA

Motion was made by David Petty to approve the agenda as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Francis Thicke to approve the September 19th minutes and September 28th teleconference meeting as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACT

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Commission approval is requested for a contract to support a component of the overall effort to develop comprehensive statewide Urban Storm water Management Program, funded as part of the FFY2003 Section 319 grant.

Iowa Association of Municipal Utilities – Education, Training, and Technical Support for Reducing the Impacts of Urban Nonpoint Source Pollution - \$34,468

The development of the Urban Stormwater Management Program will require participation of multiple partners, drawing on specific expertise and will be completed using a phased approach for a variety of components. To develop an effective Urban Stormwater Management Program, efforts must be made to involve all potential stakeholders in discussions related to development of the program, and identify the activities that should be included and the party responsible for such activities. This contract will support the continuing efforts of IAMU to coordinate, with IDNR's oversight, a component of the program which will include an identification of work, roles and partners. Specifics of this include organizing meetings of the workgroup, conducting workshops, developing model ordinances, and web site development.

Contract funds will be used to support a part-time staff assigned to the project, associated costs of the project, and subcontracts to provide additional technical assistance.

Motion was made by Donna Buell to approve the contract as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT AMENDMENT FOR AGREEMENT 2005-7136-01, WATER SUPPLY DATABASE PROGRAMMING AND SUPPORT

Lori McDaniel, of the Water Quality Bureau presented the following item.

Commission approval is requested to extend an existing contract with Salem Associates, Inc. A contract amendment, as provided for in the original contract, would provide up to 52 weeks of additional in-house database programming, application development, support and staff training.

The Safe Drinking Water Act (SDWA) requires public water supplies (PWSs) to be regulated and their operators to be certified. To track enforcement and compliance with SDWA requirements, the Department utilizes a number of databases to manage core functions in its drinking water program. Included are databases for PWS construction permits, operation permits, operator certification, and enforcement. The Department's goals are to consolidate the databases, make them accessible to staff in both field office and central office locations, and to allow them to be updated instantly by staff in both locations. The Department uses several of these databases to link with EPA's Safe Drinking Water Act Information System (SDWIS) database to provide the EPA with mandatory drinking water data.

Salem Associates was awarded the initial one-year contract in November 2004 and has successfully completed conversions of the PWS operation permit and operator certification databases. The database updates have improved the water supply staff's ability to respond to

customer needs through faster completion of PWS operation permits, completion of enforcement activities, and data retrieval functions in both the central office and field offices.

Several major databases still remain to be converted to provide increased functionality, especially for field office access. These remaining projects include the converting the PWS enforcement database and other programs from Access to VB.net, consolidating PWS sampling requirement compliance code modules into one unified module, facilitating electronic retrieval of water supply documents and laboratory sample results, and continuing the ongoing training of water supply staff to support the VB.net development environment.

The cost of this amendment will not exceed \$145,600, or \$70 per hour for 2,080 hours.

Motion was made by Donna Buell to approve the contract as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – *PAT McDERMOTT* – ONE STOP PROJECT MANAGER

Lori McDaniel, of the Water Quality Bureau presented the following item.

The Commission is requested to approve the attached contract for services between the Department and *Pat McDermott*, to provide project management and information technology expertise for implementing the One Stop Five-Year Plan and Exchange Network grants from the Environmental Protection Agency (EPA). The contract amount is not to exceed \$300,000 for the period Nov. 1, 2005, through October 31, 2007.

This expenditure will result in the coordination and implementation of One Stop and automated data exchanges with EPA, including the following.

- The main duties of the Project Manager will be to assist the Environmental Facilities Leader in directing data integration, directing data flows using the Exchange Network Node, and One Stop coordination.
- Coordination activities include leading One Stop teams, developing a detailed project schedule and task assignments, preparing weekly progress reports, and communicating with all agency staff on the project status and decisions on a regular basis.

Background

One Stop Five-Year Plan: This plan for 2003-2007 outlines when each of the 20 environmental program databases will integrate with the central data warehouse, called the Environmental Facilities Database (EFD), and the initial list of proposed data flows using the Exchange Network Node. It also depicts DNR's efforts in: environmental data integration, burden reduction, stakeholder process, electronic reporting and public access. Refer to DNR's website: FacilityExplorer.iowadnr.com.

Exchange Network Grants: Each year since 2003, DNR has received a two-year grant from US EPA for approximately \$300,000 to implement the Exchange Network in Iowa. The Exchange Network is a partnership between state environmental departments and the U.S. Environmental Protection Agency that is revolutionizing the exchange of environmental information. Partners on the Exchange Network share data efficiently and securely over the Internet. This new approach is providing real-time access to higher quality data while saving time, resources, and money for partner states. DNR currently has an automated exchange of environmental facility data with EPA, and is working on improving other data flows between Iowa DNR EPA, and neighboring states.

Contractor Selection

DNR followed the Department of General Services process for a Request for Proposals (RFP). DNR notified all those on the Targeted Small Business list and sent copies of the proposal to all firms on the list of consultants certified through the Invitation To Quality (ITQ) process. After reviewing the submitted proposals, people will be selected for interviews. The final selection will be announced at the EPC meeting.

No general fund monies will be used to meet these obligations. The sources of funding for the project are the Exchange Network grants from EPA.

At this time, the Department requests Commission approval to enter into a contract with *Pat McDermott* for a One Stop Project Manager.

Motion was made by Donna Buell to approve the contract as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 60 - SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE, CHAPTER 62 - EFFLUENT AND PRETREATMENT STANDARDS, CHAPTER 63 - MONITORING, ANALYTICAL AND REPORTING REQUIREMENTS

Tom Atkinson of the Water Quality Bureau presented the following item.

Commission approval is requested for revisions to Chapters 60, 62 and 63 of the rules. Chapter 60 provides general definitions of terms used elsewhere in the rules and rules of practice, including forms, applicable to the departments administration of the wastewater program. Chapter 62 adopts, by reference, the federal effluent and pretreatment standards applicable to industrial discharges. Chapter 63 specifies minimum monitoring requirements, analytical procedures and reporting requirements applicable to all wastewater discharges.

The purpose of this rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards that need to be changed to remain current with federal regulations. Within the past year EPA has revised, updated, or added standards for cooling water intake structures for existing steam electric power plants, meat and poultry

products processors, and concentrated aquatic animal production facilities (fish hatcheries). The change to rule 60.2 (455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 2005. The change to subrule 63.1(1) is to update the reference to the latest EPA approved analytical methods that must be used by wastewater dischargers to remain current with federal requirements.

There have been no amendments to the Clean Water Act or to federal toxic effluent standards, rule 62.5 (455B), since these rules were last updated in 2004. On July 9, 2004, EPA established standards for cooling water intake structures at large steam electric power plants, to protect fish and shellfish losses due to impingement and entrainment. On August 23, 2004, EPA promulgated effluent guidelines and new source performance standards applicable to concentrated aquatic animal production facilities that require the implementation of best management practices to control discharge of pollutants from these facilities. Effluent guidelines applicable to meat and poultry products processors were amended on September 8, 2004. These amended guidelines will reduce the amounts of pollutants that may be discharged directly to waters of the U.S. by meat processors, and establish effluent limits for the first time for poultry processors.

The commission is being asked to adopt these rules without public notice and participation. Rule 62.2 (455B) and Iowa Code section 17A.4(1) specifically provide for adoption of federal effluent and pretreatment standards by reference, without public notice. Because the commission must adopt effluent and pretreatment standards at least as stringent as the federal standards to have primacy in the NPDES program and Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public participation in this rulemaking is unnecessary. Although analytical methods are not effluent or pretreatment standards per se, these methods are required by federal regulations to be used to determine compliance with federal standards and in the submission of permit applications and other reports to the department. Because analytical methods at least as stringent as the federal methods are required to be used and the federal methods are adopted by reference in subrule 63.1(1), the commission is asked to adopt this rule without notice and public participation as well.

Motion was made by Francis Thicke to approve the final rule as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - AMENDMENTS TO CHAPTER 136, FINANCIAL RESPONSIBILITY REQUIREMENTS FOR UNDERGROUND STORAGE TANKS

Fred Hutson, Supervisor of the Underground Storage Tanks Section presented the following item.

The commission will be requested to adopt and file amendments to Chapter 136 " Financial Responsibility Requirements for Underground Storage Tanks." The rule amendments were received and filed Notice of Intended Action at the June 2005 meeting. No written or oral

comments on the rules were received. No changes to have been made to the final rule. The amendments add clarification, amend citations and add new requirements.

The following is a summary of the proposed amendments to the rules:

136.1(2) and (5) Applicability.

- Rules amended to remove outdated wording.

136.6(3) Financial test of self-assurance.

- Subrule has been revised to clearly state the requirements that must be met for self-insurance. There has been some confusion about having to meet all four requirements.

136.8 Insurance and risk retention group coverage.

- Requirement added for insurers to notify the insured and any additional named insured of the six-month extended coverage expiration date in any written cancellation or nonrenewal notice.
- A new paragraph provides that timely notice of a release or claim by the Iowa Department of Natural Resources (Department) as provided in the policy will be considered sufficient notice under the terms of the insurance policy to preserve any coverage that the insured might otherwise have.

136.18 Cancellation or nonrenewal by a provider of financial assurance.

- A sentence has been added requiring the notice of termination of claims-made policies to clearly advise the insured and any named additional insured of the effective termination date and the applicable extended coverage period under which a claim must be made to preserve coverage.

567-136.22(455B) Release from the requirements.

- Correction made of a rule citation.

Motion was made by David Petty to approve the final rule as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 23 – NESHP UPDATE

Christine Paulson, Environmental Specialist Senior in the Program Development Section presented the following item.

The Commission will be asked to approve an amendment to Chapter 23 “Emission Standards for Contaminants” of the 567 Iowa Administrative Code.

The Notice of Intended Action (NOIA) for this rulemaking was published in the Iowa Administrative Bulletin (IAB) on August 17, 2005 as ARC 4434B. A public hearing was held on

September 16, 2005. No comments were received at the hearing. No public comments were received prior to the close of the comment period. The public comment period ended on September 16, 2005.

No changes were made to the final rule from the rule that was proposed in the published NOIA.

This rulemaking adopts by reference several National Emissions Standards for Hazardous Air Pollutants (commonly known as NESHAPS) which were promulgated by the United States Environmental Protection (EPA) into 40 Code of Federal Regulations (CFR) Part 63 between 1996 and 2003. The Department did not adopt these standards in the past because Iowa did not have source categories subject to the standards at the time. This status has not changed. However, the Department has a delegation agreement with EPA specifying that Iowa will adopt all federal NESHAPS. To fulfill this agreement, and to ensure that these federal standards are adopted should subject-sources locate in Iowa in the future, the Department is proposing to adopt these amendments.

The NESHAPS proposed to be adopted either regulate source categories, or specify air emission control provisions for source categories, as follows:

- ❖ Primary Aluminum Reduction Plants (source category);
- ❖ Tanks – Level 1 (emission control);
- ❖ Containers (emission control);
- ❖ Surface Impoundments (emission control);
- ❖ Individual Drain Systems (emission control);
- ❖ Oil-Water Separators and Organic-Water Separators (emission control);
- ❖ Semiconductor Manufacturing (source category);
- ❖ Taconite Iron Ore Processing (source category);
- ❖ Primary Magnesium Refining (source category); and
- ❖ Site Remediation (source category).

Motion was made by Donna Buell to approve the final rule as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

LARRY HARE, from the Des Moines Wastewater Reclamation Facility addressed the issue of direct responsible charge on the Iowa Great Core Operator exam. Wayne Gieselman attended a meeting for the joint operator certification committee. In the July meeting notes, I read something that puzzled me, “several coordinators have claimed that a pretreatment facility is a major segment of a treatment plant and that a coordinator is thus earning DRC credit.” I do not believe that it is true. I believe there is a misunderstanding. Coordinators as far as I know are not operating pretreatment and industrial facilities and trying to get credit for that. We do have direct accountability for processes at our municipal treatment plants. We are accountable for primary, secondary and anaerobic treatment and we should get credit for that under the direct

responsible charge. I would like to ask the Commission to bring this up as an agenda item for next month's meeting.

SUSAN HEATHCOTE, representing the Iowa Environmental Council said that we are really glad to see the permit fees for NPDES on the agenda today. The next step is to get the Legislature to agree that the Department should keep those fees. The Department is going to need more resources to provide technical assistance to small communities and the implementation of the water quality standards once they are approved. This needs to be a proactive program. There will be a lot more site specific work.

In regards to General permit #4, which is for onsite septic systems, there was no fee. The fees that could be assessed may prove to be helpful in ensuring more resources. I don't understand why that specific permit was excluded from a fee.

Item 15, Rules for technical standards and corrective actions for owners and operators of USTs, I understand that this would allow for certification for private individuals to do inspections and then report the results to the DNR. I have concerns with outsourcing compliance inspections. I believe that is a responsibility of the department and it would be preferable if the department could seek funding to contract with a private company to inspect for the DNR. We have a UST fund with money in it, it seems logical to use that money. If third party inspections are the only way we can get this done, then we have to be sure that they are truly third party with no connections or relations with the facility. I encourage you to look at the rules to ensure that the third parties are truly separate from the facilities being inspected.

Donna Buell asked if the Environmental Council would be willing to help direct the Legislature to bring the NPDES fees back to the department.

Susan Heathcote said that IEC would be willing to help. This is one of our priorities.

-----End of Public Participation-----

NOTICE OF INTENDED ACTION - CHAPTERS 20 AND 22 (AIR CONSTRUCTION PERMITTING EXEMPTIONS)

Jim McGraw, Environmental Program Supervisor of the Program Development Section presented the following item.

The department is requesting permission to proceed with the rulemaking process and publish a notice of intended action to amend Chapter 20 "Scope of Title-Definitions-Forms-Rules of Practice" and Chapter 22 "Controlling Pollution," of 567 Iowa Administrative Code. The purpose of this rulemaking is to list additional equipment and processes that, due to do their low emissions of regulated air pollutants, are not required to obtain construction permits.

In July 2005, the department and representatives from Iowa industrial facilities, the Iowa Department of Economic Development, the University of Northern Iowa Air Emissions Assistance Program, and Region VII of the U.S. Environmental Protection Agency (EPA) met

again to develop additional exemptions from construction permitting. The workgroup first convened in January 2005 to specify how “indoor” sources of air pollution are addressed in construction permitting. “Indoor” sources are sources of air pollution that are not directly vented to the outside but have emissions that leave the building through doors, vents, or other means. The department has historically required that equipment or processes at these sources be permitted only if they were part of a significant project, or if the emissions were exhausted indoors in a manner that was intended to circumvent the requirement to obtain a construction permit. Based on the recommendations of the workgroup, the department is further clarifying through these rules which equipment or processes are exempted from the requirement to obtain a construction permit. The first workgroup meeting resulted in 12 new exemptions that were approved at the August EPC commission meeting.

Six additional exemptions were proposed at the conclusion of the second workgroup meeting. The exemptions include:

- Research & development (R&D) definition and exemption
- Storage tanks
- Equipment using hot melt adhesives
- Product labeling
- Regional collection centers
- Cold solvent cleaning machines

Technical justifications were prepared by the workgroup members to support the validity of exempting each of these equipment and processes from the requirement to obtain a construction permit. As a result of the technical reviews, additional safeguards were built into some of the exemptions to further protect human health and the environment. A draft of the technical justification document can be viewed at www.iowacleanair.com.

The department believes that these amendments do not represent a relaxation of air pollution permitting or control requirements but represent historical expectations for construction permitting. These amendments are expected to have little or no environmental or human health consequences.

The wet grain handling exemption presented in the informational notice was removed to allow for additional time to complete the exemption and document the justification. We anticipate including the wet grain handling exemption in a future general rulemaking item.

If approved for notice by the Commission, a public hearing will be held at 1:00 p.m. on December 12, 2005, in the conference rooms of the department’s Air Quality Bureau offices. All comments must be received no later than December 14, 2005.

Motion was made by Donna Buell to approve the NOIA as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - AMEND IAC 567-CHAPTER 101; “SOLID WASTE COMPREHENSIVE PLANNING REQUIREMENTS”

Mark Warren, Program Planner in the Energy & Waste Management Bureau presented the following item.

Attached for the Commission’s information and review is a Notice of Intended Action to make minor amendments to IAC 567—Chapter 101 “Solid Waste Comprehensive Planning Requirements.” This proposed rule revision is needed to implement HF 399 that was passed by the 2005 General Assembly.

The request for action on this chapter is to incorporate minor revisions pertaining to solid waste comprehensive planning and the disposal of solid waste by planning areas at sanitary landfills located in another planning area. These revisions will add flexibility for planning areas in addressing the comprehensive planning requirements.

Under the proposed rule revision, a planning area that closes all of its municipal solid waste sanitary landfills and uses a transfer station to send all waste to a RCRA Subtitle D compliant sanitary landfill located in another planning area, is allowed to retain its autonomy for solid waste comprehensive planning purposes. These changes directly reflect changes to Iowa Code per HF 399.

A public hearing will be held on December 2, 2005 from 10 am - 12 pm at the Wallace State Office Building, Des Moines. We will be taking public comment until then. The Commission is requested to approve this Notice of Intended Action.

Motion was made by Francis Thicke approved the NOIA as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – RESCIND IAC 567—CHAPTER 211 “GRANTS FOR REGIONAL COLLECTION CENTERS OF CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS AND HOUSEHOLD HAZARDOUS WASTES”. ADOPT BOTH IAC 567—CHAPTER 211 “FINANCIAL ASSISTANCE FOR THE COLLECTION OF HOUSEHOLD HAZARDOUS MATERIALS AND HAZARDOUS WASTE FROM CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS” AND IAC 567—CHAPTER 123 “REGIONAL COLLECTION CENTERS AND MOBILE UNIT COLLECTION AND CONSOLIDATION CENTER” IN LIEU THEREOF.

Theresa Stiner, Environmental Specialist Senior of the Energy & Waste Management Bureau presented the following item.

At the October 2005 EPC meeting the Commission will be requested to approve the attached Notice of Intended Action (NOIA). The NOIA is to rescind Iowa Administrative Code (IAC) 567—Chapter 211 “Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes”. Moreover, current 567—Chapter 211 will be replaced with IAC 567—Chapter 211 “Financial Assistance for Collection of Household Hazardous Material and Hazardous Waste From Conditionally Exempt Small Quantity Generators” and IAC 567—Chapter 123 “Regional Collection Centers and Mobile Unit Collection and Consolidation Centers”.

IAC 567—Chapter 211 will be rescinded; however, the requirements are split and updated into two new chapters. New IAC 567—Chapter 211 will be dedicated to the financial assistance for collection of household hazardous materials and materials for conditionally exempt small quantity generators. IAC 567—Chapter 123 will be dedicated to the permitting requirements for Regional Collection Centers and Mobile Unit Collection and Consolidation Centers.

The changes to IAC 567—Chapter 211 will move the application ranking from the rule to the application guidelines to allow greater flexibility in funding projects that best meet the intent and goals of the program. New IAC 567—Chapter 211 also outlines the eligibility requirements for semiannual assistance payments to RCCs and MUCCCs.

The changes to IAC 567—Chapter 123 will consolidate all the RCC permitting requirements from IAC 567—Chapters 102, 104 and 211 into one chapter. There are several changes to the RCC permit requirements. First, all permitted RCCs will be required to file a semiannual report, rather than just those seeking reimbursement.

Second, the closure plan requirements will be revised so that they are more applicable to the concerns of an RCC. Furthermore, an education plan will be required as part of the permit.

IAC 567-Chapter 123 also establishes a new permit, Mobile Unit Collection and Consolidation Centers (MUCCC) for collection systems that utilize mobile collection events on a regular basis, but do not provide public access to a fixed facility. The permit requirements for the MUCCC are

very similar to the RCC permit requirements, however they must provide the dates and locations of the mobile events. The events must total at least 16 hours a month in each county served.

Finally House File 602 of the 2005 Legislative Session amended Iowa Code 455F, which is the basis for RCC reimbursements. The Code changes transition the monies the Department utilizes for RCCs from a primary allocation toward establishment grants to a primary allocation to reimbursement. Moreover, the Code changes allow eligible private agencies that collect household hazardous materials (HHM) and are part of a comprehensive plan to receive assistance. Thus, minor amendments to administrative rules have been made to reflect these Code changes.

A public hearing will be held on December 5th and will accept public comments until then. We ask that you approve this Notice of Intended Action.

Motion was made by David Petty to approve the NOIA as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – AMENDMENTS TO CHAPTER 64 BY ADDING LANGUAGES TO START COLLECTING A FEE FOR WASTEWATER PERMITS

Courtney Cswercko, Environmental Specialist in the Water Quality Bureau presented the following item.

The attached notice of intended action for changes to Chapter 64 “Wastewater Construction and Operation Permits” is being presented to the Environmental Protection Commission for decision. The amendment adds language and new requirements to section 64.16 to set a fee structure for wastewater permits in the state of Iowa.

The following is a summary of the proposed amendments to the rules:

64.16(1)

- Language is added to address the proposed fees in 64.16(3).

64.16(2) Payment of Fees.

- Language is added to clarify who current fees are made payable to and to define who the proposed fees are made payable to.

64.16(3) Fee Schedule.

- Fee requirements are added to 64.16(3)(a)(5) for NPDES General Permit No. 5 (Mining and Processing Facilities). (Note: this fee has changed from the information notice to include options for annual, 3 year, and 4 year payments.)

- The fee requirements in 64.16(3)(b) are changed to remove the annual fee option for individual storm water permits, and to remove the storm water group application category, as group applications for storm water permits are no longer accepted.
- Fee requirements are added to 64.16(3)(b) for construction, municipal, semi-public, operation, industrial, and animal feeding operation facilities subject to NPDES permits.
- Each type of facility will have an individual monetary amount associated with it.
- The fees will be assessed for each facility on an annual basis, with the exception of storm water individual permits, whose fees will continue to be assessed with the storm water permit application.
- No annual wastewater fees will be assessed for municipal water treatment facilities.
- A one-time application fee of \$85 will be assessed for each non-storm water application for a NPDES permit.
- The initial date of fee submission is proposed to be 30 days after the effective date of this proposed rule.

Public hearings will be held at the end of November including ICN hearings.

Courtney Cswercko said that general Permit #4 is regulated by the county. So any fees associated with that permit do not go to the department but the county. We have no control of a fee in which we do not receive.

General Permit 1,2,3 – general and individual stormwater permits

General Permit 4 – discharge from onsite wastewater treatment and disposal systems

General Permit 5 – discharge from Mining and quarry operations

Motion was made by Donna Buell to approve the NOIA for Chapter 64 as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTER 65 – TECHNICAL CORRECTIONS AND ADDITIONS TO TABLE 1: MAJOR WATER SOURCES – RIVERS AND STREAMS

Gene Tinker, Animal Feeding Operations Coordinator of the Environmental Services Division presented the following item.

The Commission is requested to approve a notice of intended action to amend 567 Iowa Administrative Code Chapter 65 – Animal Feeding Operations. The purpose of the proposed amendments is to make technical corrections and additions to Table 1: Major Water Sources – Rivers and Streams. The current list has missing segments of some rivers and streams which will be corrected with these amendments. In addition, the current list was not consistently developed by counties, so fourth-order streams for all counties were added to the list in an effort to increase consistency across the state. Fourth-order streams are created when two third-order streams join. First-order streams are perennial streams, which carry water all year.

A public hearing will be held on December 1, 2005 at 1:30 on the 4th floor of the Wallace State Office Building. Comments will be accepted orally or written until then. Comments should be directed to Gene Tinker, IDNR.

Motion was made by Donna Buell to approve the NOIA for Chapter 65 as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - AMENDMENTS TO CHAPTER 135, TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND CHAPTER 134, CERTIFICATION OF GROUNDWATER PROFESSIONALS

Fred Hutson, Supervisor of the Underground Storage Tank Section presented the following item.

The Environmental Protection Commission is being asked to file the attached notice of intended action for changes to Chapter 135 "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks" and Chapter 134, "Certification of Groundwater Professionals." The amendments provide for the certification of UST compliance inspectors and third party inspection of regulated UST systems. The rules presented at the September meeting for information have been revised based on meetings with stakeholders.

Chapter 135 is being amended to require owners and operators of UST systems to have a 3rd party compliance inspection of their UST system every year. An inspector certified by the department under the new Chapter 134 rules would perform the inspection. The rule amendments are a result of meetings with stakeholders in the petroleum industry over the past year concerning funding of the department's UST Section and the direction of the program. The stakeholders recommended requiring 3rd party inspections to promote better compliance and focus department inspections/enforcement actions.

The state will have some costs for administrating this program, about \$100,000 per year maximum. The rule proposes that the fee for certifying inspectors will be \$500.00. We believe this is roughly the amount that we need to collect in order to cover the cost of running the certification program. The pricing of these inspections will be based on market but for this rulemaking we are estimating approximately \$250-\$350 per inspection.

Any person may submit written comments to Paul Nelson, IDNR Wallace State Office Building on or before December 2, 2005. Three public hearing will be held at 1:00 pm at the following locations:

November 29 – Coralville Library, Coralville

November 30 – Denison Community Hall, Denison

December 2 Wallace State Office Building, Des Moines

Some of those who attended the stakeholder meeting included representatives from the tank insurers, tank contractors, tank owners, and environmental groups.

We have about seven full time employees who currently inspect sites, which means they can inspect about one facility every 3 years. There are 1,800 operating facilities. Those are currently being inspected by the insurance companies and once in a while by the department.

Henry Marquard said that he is uncomfortable approving the rule as it is currently presented. There needs to be a specific difference and separation between the inspector and the facility. I would like to see this issue addressed before approval.

Donna Buell agreed with Henry. The inspector needs to be truly independent from the facility.

Francis Thicke asked about adding language that would define third party inspections.

Fred Hutson said that we could work on a definition that would state that there can be no relationship between the inspector and the facility being inspected.

Wayne Gieselman said that we are on a timeline for this rule. I would suggest that the Commission delay the action until later on today. Ed Tormey from the DNR legal services and Fred Hutson can generate some additional language that would address the independence of the 3rd party inspectors.

<i>Motion was made by Francis Thicke to table the NOIA – Chapter 134 and 135 until later on today. Seconded by David Petty. Motion carried unanimously.</i>

PROPOSED CONTESTED CASE DECISIONS - GREG VANDEN BOSCH AND G&T EGGS, JAMES SCHMITZ, HPD PORK AND HAROLD DEKKERS, JOHN HANSEN, AND TESKE PORK, LLC

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

GREG VANDEN BOSCH AND G&T EGGS

On October 15, 2004, the department issued Administrative Order No. 2004-AFO-108 to Greg Vanden Bosch and G&T Eggs. The order required the payment of a \$1,500.00 penalty for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on August 30, 2005.

A Proposed Decision was issued on September 19, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-108, including the assessment of an administrative penalty in the amount of \$1,500.00.

HPD PORK AND HAROLD DEKKERS

On July 9, 2004, the department issued Administrative Order No. 2004-AFO-73 to HPD Pork and Harold Dekkers. The order required the payment of a \$3,000.00 penalty for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on August 29, 2005.

A Proposed Decision was issued on September 23, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-73, including the assessment of an administrative penalty in the amount of \$3,000.00.

JAMES SCHMITZ

On July 29, 2004, the department issued Administrative Order No. 2004-AFO-85 to James Schmitz. The order required Mr. Schmitz to pay a penalty of \$3,000.00 for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on August 29, 2005.

A Proposed Decision was issued on September 23, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-85, including the assessment of an administrative penalty in the amount of \$3,000.00.

TESKE PORK, LLC

On September 13, 2004, the department issued Administrative Order No. 2004-AFO-99 to Teske Pork, LLC. The order required the payment of a \$3,000.00 penalty for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on August 30, 2005.

A Proposed Decision was issued on September 23, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-99, including the assessment of an administrative penalty in the amount of \$3,000.00.

JOHN HANSEN

On June 29, 2004, the department issued Administrative Order No. 2004-AFO-67 to John Hansen. The order required the payment of a \$3,000.00 penalty for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on August 29, 2005.

A Proposed Decision was issued on September 23, 2005. In the Proposed Decision the administrative law judge dismissed Administrative Order No. 2004-AFO-67 because of ownership issues relating to the confinement operation. The department intends to issue an order to the correct corporate entity requiring the submittal of a manure management plan and the payment of a monetary penalty.

There have been no appeals of these Proposed Decisions. In the absence of an appeal the Commission may decide on its own motion to review these Proposed Decisions. If there is no review of these Proposed Decisions, they automatically become final decisions of the agency.

NO ACTION TAKEN

REFERRALS TO THE ATTORNEY GENERAL

David Wornson of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

DEAN WILLIAMS (STUART) – UNDERGROUND STORAGE TANK

The Department requests referral to the Attorney General's office to initiate an action in Iowa District Court requiring Dean Williams to comply with the Department underground storage tank corrective action rules to clean up petroleum contamination associated with a former UST site. This referral is based on his failure to develop a "corrective action design report" and implement an approved corrective action at the site. The referral also requests imposition of civil penalties.

The facility is a former UST site located in Stuart Iowa. The facility has a long history of petroleum contamination associated with four petroleum USTs that were removed in 1995. The facility current operated aboveground storage tanks.

The Department has sent letters and phone messages with Mr. Williams but have not received any response.

<i>Motion was made by Donna Buell to refer Mr. Dean Williams to the Attorney General. Seconded by Henry Marquard. Motion carried unanimously.</i>

REFERRED

PROPOSED RULE – CHAPTER 65 -ESTABLISH A SET OF DESIGNATED WETLANDS ON LANDS OWNED AND MANAGED BY THE FEDERAL GOVERNMENT OR THE DEPARTMENT OF NATURAL RESOURCES.

Todd Bishop of the Conservation and Recreation Division presented the following item.

Iowa code section 459.101 created a definition for “Designated Wetlands” for the purpose of establishing separation distances for construction or expansion of confinement animal feeding operations from significant water resources. Designated wetlands were defined as land designated as a protected wetland by the United States department of the interior or the department of natural resources. Eligible lands must be owned and managed by the federal government or the department of natural resources. Lands within a drainage district or levee district are not eligible.

DNR wildlife biologists have identified wetlands on approximately 140 wildlife areas that represent high quality natural basins, those that represent unique habitats, and those identified as important to wetland wildlife species. These unique and high quality wetlands will be recommended to the Environmental Protection Commission to be listed as “Designated Wetlands” in Iowa Administrative Code at the end of Chapter 65 for the purpose of establishing separation distances.

Iowa Code Paragraph 459.310(1)(b) provides:

b. A confinement feeding operation structure shall not be constructed if the confinement feeding operation structure as constructed is closer than any of the following:

- (1) Five hundred feet away from a water source other than a major water source.
- (2) One thousand feet away from a major water source.
- (3) Two thousand five hundred feet away from a designated wetland.

“Designated wetland” is defined in Iowa Code subsection 459.102(21) as follows:

21. “Designated wetland” means land designated as a protected wetland by the United States department of the interior or the department of natural resources, including but not limited to a protected wetland as defined in section 456B.1, if the land is owned and managed by the federal government or the department of natural resources. However, a designated wetland does not include land where an agricultural drainage well has been plugged causing a temporary wetland or land within a drainage district or levee district.

As referenced in the foregoing definition, “protected wetland” is defined in Iowa Code subsection 456B.1(4) as follows:

4. “Protected wetlands” means type 3, type 4 and type 5 wetlands as described in circular 39, *Wetlands of the United States, 1971 Edition* published by the United States department of the interior. However, a protected wetland does not include land where an agricultural drainage well has been plugged causing a temporary wetland or land within a drainage district or levee district.

Wetlands: *An area of two or more acres in a natural condition that is mostly under water or waterlogged during the spring growing season and is characterized by vegetation of hydric soils.*

Procedure for Establishing a set of Designated Wetlands

- 1) Identify wetlands to be designated and propose to list them in a new table at the back of the Department's animal feeding operation rules (567 Iowa Administrative Code (IAC) Chapter 65.)
- 2) The Natural Resource Commission should first approve the listing and then the Environmental Protection Commission would have to approve adding the new table to Chapter 65.
 - This allows use of rule making procedures to provide notification of the proposed listing, to receive comments and to have the final listing officially accessible.
 - It also facilitates making changes to the listing by future rule making.
1. Separation distances apply to all confinement feeding operations regardless of size and whether a permit is needed.
2. Open feedlots are separate and do not have any separation distances.
3. If there is already a confinement within 2,500 feet of an existing wetland, it will not prevent the designation from occurring. For separation distances to other items (neighbors, towns, parks, etc) – the confinement is grand fathered in since it was there before the separation distance was expanded. It will work similarly in this case – a confinement could be there and be exempt from the 2,500 foot separation distance since it was there before the separation distance was imposed. But no new confinements would be allowed in the 2,500 feet once the designation takes place.
4. A designated wetland will not be “established” if closed than 2,500 feet of an existing confinement. Any wetlands created or restored on state or federal lands within 2,500 feet of an existing confinement will not eligible for designation.
5. These separation distances do not apply if the Confinement Animal Feeding Operation Structure includes construction of a secondary containment barrier – we are seeing more of these all the time.

INFORMATIONAL ONLY

PROPOSED RULE – CHAPTERS 40, 44, 90, 91, 92, 93 – REVISIONS TO STATE REVOLVING FUND RULES

Patti Cale-Finnegan, SRF Coordinator of the Water Quality Bureau presented the following item.

The attached is the proposed rule to amend the chapters of the Iowa Administrative Code which govern the Drinking Water and Clean Water State Revolving Fund programs is being presented to the Environmental Protection Commission for information. At the November Commission meeting, approval to proceed with the rulemaking process and publish a notice of intended action will be requested.

The proposed rulemaking will amend 567 -- Chapters 40, 90, and 91 and will rescind Chapters 44, 92, and 93 and adopt new chapters in their places. The primary purposes of the proposed rule changes are to transfer responsibility for financial analysis and loan processing to the Iowa Finance Authority (IFA) and to update program rules to reflect new, streamlined processes. Department staff are coordinating with IFA on the creation of 265 – chapter 26 for the administration of the State Revolving Fund.

The rule changes reflect federal changes, though they are not stricter than the federal requirements.

The table below outlines the background and rationale for the proposed changes.

Proposed Change	Citation	Rationale
Compile all DWSRF definitions in chapter 40 Compile all CWSRF definitions in chapter 90	44.4 92.2 93.2	Avoid any inconsistencies in definitions
Move financial analysis, loan underwriting, and loan processing to IFA rules	Throughout 44 and 92	Implement provisions of joint agency agreement and strengthen financial and programmatic coordination
Applications accepted on a continuous basis, with annual IUP and quarterly updates as needed	44.7(2) 92.6(1)	Create process for quarterly updates
Allow for setting interest rates, terms, and fees in IUP	92.6(2) g	Provide flexibility to set rates and fees to ensure sound financial management
Incorporate EPA language on uses of set-aside programs	44.5	Ensure Iowa DWSRF rules are consistent with EPA rules
Update scoring criteria for DWSRF	44.7(8)	Technical corrections to make rules consistent with federal requirements
Delete Appendix of cross-cutters	44, Appendix 1	Avoid the list of cross-cutters becoming outdated
Define eligible project using federal language	90.2	Ensure Iowa CWSRF definitions are consistent with EPA rules
Define facility plan and engineering report	90.2	Ensure definitions in rules are consistent with project requirements
Rework point scoring criteria	Chapter 91	Remove inconsistencies in project scoring
Eliminate requirement for proportionality in user charge systems	Formerly 92.9(2)	Allow applicants to allocate user charges among customer classes based on local priorities while still ensuring total revenues are adequate
Add applicant's conformance to process guidelines to criteria for fundable list	92.6(2) b.8	Strengthen department's efforts to adhere to established project processes
Allow the department to require a	92.7(4)	Strengthen department's efforts to adhere to

project initiation meeting		established project processes and improve communication
Move non-point source program requirements to Chapter 93	Throughout 92	Consolidate non-point source programs into one chapter
Change eligibility criteria for on-site program to allow siting for multiple home systems	93.4(6)	Allow loans for cluster systems serving multiple households
Delete maximum loan limit for on-site program	93.4(18)	Allow loans based on allowable costs
Change eligibility for animal feeding operations to allow loans for new facilities	Formerly 92.11(1) d	Address water quality problems in animal feeding operations built since 2001
Change application process for Local Water Protection Program	93.6	Make rules consistent with current practices
Change eligibility for small nutrient management practices in LWPP to manure management plan versus CNMP	93.6(5)	Allow for less restrictive requirement for small, lower-cost projects
Allow option for direct loans in General Non-Point Source Program	93.7(1)	Protect fund's investments and allow interest rate flexibility
Accept applications for GNS Program on continuous basis	93.7(2)	Reduce administrative delays and allow for establishment of maximum set-aside amount

A stakeholders meeting was held July 29, 2005 to discuss DWSRF and CWSRF rules. The current draft changes reflect the comments and input of the stakeholders.

Any interested person may make written comments on the proposed amendments on or before January 11, 2006. Comments should be directed to the Water Quality Bureau, IDNR, Wallace State Office Building, Des Moines, Iowa 50319.

A public hearing will be conducted at the DNR water supply office at 401 SW 7th Street, Des Moines on January 11, 2006 at 10 AM.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION - AMENDMENTS TO CHAPTER 135, TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND CHAPTER 134, CERTIFICATION OF GROUNDWATER PROFESSIONALS

<i>Motion was made by David Petty to untable item 15-NOIA Chapter 134 and 135. Seconded by Francis Thicke. Motion carried unanimously.</i>
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Fred Hutson presented the recommended language to the rule:

Item 1.

Delete 134.12(1)

Item 2.

Amend 134.13 by inserting the word **uncertified** as follows: "...or if it employs **uncertified** individuals to do inspections requiring certification."

Item 3.

Amend 134.14 by adding paragraphs "h" and "i".

- h. Inspectors shall not conduct compliance inspections at UST facilities owned or operated by the inspector's employer or facilities at which they have been directly responsible for the installation or repair of the UST system.
- i. Licensed companies may not conduct compliance inspections at UST facilities where they have been directly responsible for the installation or repair of the UST system or facilities owned or operated by a compact which has a controlling interest in the licensed company.

Item 4.

Add 135.20(5)

567-135.20(5). Owners and operators shall not contract with compliance inspectors who are employees of the owner or operator or who have been directly responsible for installation or repair of the UST system. Owners and operators shall not contract with licensed companies in which they have a controlling interest.

Motion was made by Donna Buell to approve NOIA - Chapter 134 and 135 with the additional proposed language. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS AMENDED

Motion was made by Donna Buell to move up the Livestock Issue Discussion before item 20. Seconded by Sue Morrow. Motion carried unanimously.

LIVESTOCK ISSUES

Wayne Gieselman said that there are about 1,200 permitted facilities and about 3,500 manure management plans. The department has issued about 150 construction permits this year. By the time we get to the end of this year, we will have doubled the amounts of permits.

David Petty said that there appear to be smaller buildings but the amount of pigs is about the same.

Gene Tinker said that statistics seem to state that the amount of pigs has stayed about the same. There seem to be more finishing farms.

Jerry Peckum said that no one wants to live near a hog confinement because of air quality.

Wayne Gieselman said that there are statutory limitations to what the commission can do for establishing air quality standards on livestock facilities. The Legislature does not want us to do that at this point. EPA is doing a study on air quality issues relating to livestock facilities.

Donna Buell said that she would like to see the Commission have an informal public meeting to discuss policy issues. This could be held a couple hours before each Commission meeting with a light breakfast. Some topic suggestions would include, though not limited to:

- DNR staff report on programs in place
- DNR resource needs – staffing, funding, fee structures, etc
- Updates about ongoing studies
- Current research in the area
- Economics
- Best Management practices
- Statutory review – Iowa law and comparative analysis of other state laws
- Regulatory review – existing and potential
- Are we “protecting and enhancing the environment”?

One topic could be selected for each month. This would help each Commissioner know what we’re talking about it and that we’re doing our part. This would basically be an educational process for us so we have a better history in order to make better decisions. I suggest that the EPC adopt this as an informative, educational process for us and the general public.

Wayne Gieselman said that if you want background information on a certain topic, please let the DNR staff know ahead of time so there is plenty of time to prepare and to inform the public.

Motion was made by Donna Buell to approve this as a part of the EPC procedure to hold regular informal policy breakfast meetings. A topic would be chosen a month in advance to give staff time to prepare and to notify the public. Seconded by Francis Thicke. Motion carried unanimously.

Donna Buell will facilitate next month’s breakfast meeting. The topics will include best management practices, growth and air quality issues relating to livestock confinements.

Wayne Gieselman suggested that Dr. Wendy Powers from Iowa State University could give information on best management practices. She has done much research on emissions and odor from livestock facilities.

Francis Thicke said that Dr. Peter Thorne from the University of Iowa is really up to date on the latest research with air emissions. He could summarize on where we are on the health effects from air emissions.

It was agreed to discuss air emissions at the December breakfast meeting.

David Petty thought that the Commission should be brought up to speed on the master matrix system.

Motion was made by Donna Buell to discuss the following topics at next month's breakfast meeting: impacts of the growth in permit applications, manure management plans coming into DNR related to livestock confinements in Iowa. Donna will work with Wayne to set up speakers. Seconded by Francis Thicke. Motion carried unanimously.

OSCEOLA COUNTY DEMAND FOR HEARING - TOM AND KELLY DOEDEN

Randy Clark introduced:

Eldon McAfee, Attorney representing the Doedens
Jay Moore, Consultant
Kelly Doeden
Tom Doeden

The Osceola County Board of Supervisors (County) has chosen not to make an oral presentation but they have submitted copies of public comments the County received.

Randy Clark said that the phosphorus index (P-index) was not included in the manure management plans submitted by the Doedens because the soil testing wasn't going to take place until the crops were out of the field. The DNR directed the Doedens and other producers to use the most stringent phosphorus based limits until they can get the soil testing done once the crops are removed.

Donna Buell said that this is critical. The regulations requires that the manure management plan (MMP) include the P-index. The whole application goes before the County Board of Supervisors before the MMP can be approved. As far as I can see, this hasn't been. There has been no P-index submitted on the MMP, which is needed for approval of this permit.

Randy Clark said that the MMP for these applications have to be filed before the application is approved. The MMP is not implemented until there are animals in the facility and manure is generated and they need to apply the manure somewhere. We require that the P-index has to be in place before manure is actually applied.

Donna Buell said that is not what the regulations say and maybe you have been doing this wrong all along. Applications for a construction permit are required to submit manure management plans. DNR rules require the following:

- 567 Iowa Administrative Code (IAC) 65.17(1)“d”(3): All MMPs submitted on or after October 25, 2004, a P-index shall be included and submitted as part of the original manure management plan.
- 567 IAC 65.17 (1)“a:” When a P-index is required in a MMP, a confinement feeding operation shall not apply manure in excess of the rates determined, in conjunction with the P-index.
- 567 IAC 17(3)“e” and “i”(2): MMPs for nonsales of manure must include the location of the manure application and a phosphorus index of each field in the MMP including the factors used in calculation.
- 567 IAC 65.9(1)“l” Application for a construction permit requires documentation that the valid MMP has been provided to the County Supervisors.

There was no valid MMP provided to the County Supervisors. We are not in any condition to issue this permit.

Randy Clark said that this is proper accommodation given the fact that the manure management plan is not implemented until manure is actually applied, which could be another year down the road.

Henry Marquard said that once that occurs we’ve already issued the construction permit. The time that the EPC and the DNR can act as a regulatory body is prior to the construction permit.

Randy Clark said that the MMP would still have to be approved along with the phosphorus index.

Donna Buell asked if we are following the law. Things have not been done properly.

Eldon McAfee asked Jay Moore if the County received a copy of the MMP that included the phosphorus based intake calculations.

Jay Moore said yes they did, they received it September 7th.

Eldon McAfee said that 567 IAC 65.17(17)“e” provides that if you don’t have soil test data that meets the requirements of these rules in the original MMP (which this is), you have one year to submit those. That’s what we will be doing under that rule.

Donna Buell said that the requirements of the approval for this permit have not been met.

Eldon McAfee said that the rules provides for the approval of the original MMP with them submitting the soil test data and the P-index based on the soil test data within one year after the original MMP is submitted. 65.17(17)“e”

Motion was made by Donna Buell to deny the permits based on the following regulations (all in 567 Iowa Administrative Code): 65.9(1) The Department shall make a determination regarding the approval or denial of a complete application within 60 days of receipt. 65.16(1) Applicants for construction permits are required to submit MMPs to the Department. 65.17(1)“d”(3) For all MMPs submitted on or after October 25, 2004 a phosphorus index shall be submitted as part of the original MMP. 65.17 (1)“a” When a phosphorus index is required in a manure management planMMP a confinement feeding operation shall not apply manure in the excess of the rates determined in conjunction with the P-index. 65.17(3) MMPs for non sales of manure must include the location of the manure application and a P-index of each field in the MMP including the factors used in the calculations. 65.9(1)“l” Application for a construction permit requires documentation that a MMP has been provided to the county supervisors. Therefore, since the applicants have not submitted a complete MMP and since that that MMP has not been provided to the County Supervisors, I move the application 63962 and 63963 be denied. Seconded by Francis Thicke.

David Petty asked for the applicants side of the story.

Eldon McAfee said that there are alternatives when an application or MMP would have to be submitted when it may not be conducive to taking a soil test, which are required to do the P-index. That’s what the problem was. There were growing crops in the fields. Jay Moore calculated the MMP based on the most restrictive application method whether it be phosphorus uptake which is more restrictive than the P-index or nitrogen based. Again the rules provide that within one year they are to have the soil tests taken and submitted to the department, which then will be submitted to the County.

Jay Moore said that the county received a nitrogen based plan. Then it came to our attention that they wanted to see the rates for p-removal, that’s when we ran the calculations. We are pulling soil samples today and the County Board of Supervisors are aware of the testing. The P-index has not been calculated. I have been working with Cindy Martens-DNR, Sara Smith-DNR, and Randy Clark-DNR.

Henry Marquard said that an important part of the permit was not submitted. It should be denied until all the correct information is supplied.

Donna Buell said that the County Board of Supervisors have not seen the P-index and they have the right to see a MMP before we move forward with granting this permit and that has not been done.

Eldon McAfee said that the original manure management plan, which I am referring to is a part of the construction permit application and is required to be approved before the construction permit application is approved. So when I refer to the original manure management plan, I am

referring to what has to go in with the permit. The rules do allow for taking the soil samples and submitting them within one year after the original MMP has been submitted. This is what we have here.

Donna Buell said, "I do not accept your argument."

Eldon McAfee said that there are times when the levels are very high and do not allow for manure application, but at the same time there are times when samples can not be taken and the rules allow for taking those samples within one year. There is only one original MMP.

Randy Clark explained the County's position. The county didn't really want to oppose this but wanted to make sure that the public's comments were received by the Commission.

Donna Buell said that the letter from the County Board of Supervisor states... "Please let this correspondence serve as the Osceola County Board of Supervisors official appeal and request of hearing."

Jerry Peckumn said that it's hard to determine the County's intentions.

Randy Clark said that the only way the County could submit the public comments was to oppose the issuance of the permits. That would allow the DNR to issue a proposed permit which would then allow the County to submit a demand for hearing.

Henry Marquard said that if I vote no, that would be because the application is not in conformity with the rules. It seems to me that logically that the P-index is required at the time that you make the application for a construction permit. We expect strict compliance with the regulations. I have concerns with the DNR staff when they are telling people that you can do it this way or that way, when the regulations require some stricter level of compliance. The DNR staff has no business telling people things contrary to the rules.

Roll call vote went as follows according to the motion to deny the permit: Jerry Peckumn – aye; Sue Morrow – aye; David Petty – nay; Donna Buell – aye; Francis Thicke – aye; Henry Marquard – aye. Motion carried.

Jerry Peckumn, Vice Chairperson excused himself from the meeting due to prior obligations.

Motion was made by Francis Thicke to nominate Henry Marquard as Chairperson for the rest of today's meeting. Seconded by Donna Buell. Motion carried unanimously.

PERMIT DENIED

PRESENTATION – 2005 FARM BILL SECTION 9006 AWARDS

Jim Bodensteiner, Program Planner of the Energy Section presented the following item.

The Energy and Waste Management Bureau of the Iowa Department of Natural Resources (Department) partnered with a number of organizations to assemble a working group known as the 9006 Energy Grant Iowa Council. The objective of the Council was to promote the Farm Bill Section 9006 to farmers and rural businesses and to assist interested applicants with the application process.

Sponsoring organizations involved included the Iowa Farm Bureau Federation, Iowa Agriculture Innovation Center, Iowa Rural Development Council, USDA Rural Development, Iowa Department of Natural Resources, Iowa Energy Center, USDA Natural Resources Conservation Service, and the Agricultural Marketing Resource Center.

Two Council meetings were held in January to develop promotion and assistance strategies. Two meetings were then presented in mid-February to make stakeholders aware of 9006, develop strategies to surface potential projects, and announce the types of assistance committee partners would be providing applicants. The first meeting was an Iowa Communications Network (ICN) broadcast that targeted Iowa rural businesses (180 attendees); the second targeted producer groups, consultants, contractors, analysts, and members of public and private financial and funding organizations (40 attendees).

A web site (<http://www.energygrantiowa.com>) was developed to coordinate the registration of interested parties, determine areas of interest (e.g., energy efficiency, wind, anaerobic digesters), and establish the geographic regions and technical content of future workshops to be presented.

A second ICN broadcast was held April 1 to update potential applicants on assistance available (130 attendees), and a grant writing and technology workshop was presented April 14. The morning session of the April 14 meeting presented step-by-step grant writing assistance specific to the 9006 application, and the afternoon session provided technical breakout sessions for discussion of renewable energy and energy efficiency (RE/EE) technologies and their rural applications. The Department provided four staff members to lead the technical breakout sessions.

During the month of June, the Department assisted applicants, making contacts to offer assistance, reviewing applications for technical and rhetorical merit, and making appropriate edits. Forty-seven eligible applications were received, up from 17 in 2004 as well as the largest response in the nation. The Department also provided 47 support letters, with supporting documents, giving applicants five additional evaluation criteria points for meeting the environmental goals of two Iowa strategic planning initiatives.

Department personnel were active participants in all of the above activities, working specifically to assist with the identification of potential applicants, organize and participate in specialized workshops, identify RE/EE consultants and contractors, and provide technical and rhetorical application assistance. Throughout the presentation of Iowa's 9006 assistance project, the Department provided 9006 assistance and promotion advice and guidance to other Midwest

states through participation in DOE Biomass Program and Great Lakes Biomass State and Regional Partnership conference calls.

The Department is pleased to inform the Commission that 37 of our 47 applications (82%) were funded for a total of \$5,733,657. Twenty-five percent of the successful applications in the nation came from Iowa, with Iowa grantees receiving 30 percent of the total available funding. For a complete list of awardees, please contact Jim Bodensteiner at 515-281-8416.

INFORMATIONAL ONLY

PRESENTATION – STATE ENERGY PROGRAM AWARDS

Kelley Myers, Program Planner of the Energy Section presented the following item.

The Energy Section of the Energy and Waste Management Bureau possesses a unique distinction in that it is the State of Iowa's State Energy Office. This designation means that the state is eligible to receive funding through the U.S. Department of Energy's (DOE) State Energy Program, which provides over \$50 million in funding to state energy offices across the country. Every year, DOE provides State Energy Program Formula Program grants, which provide funding for basic energy office activities, and State Energy Program Special Projects grants, which provide funding for individual projects.

This year, the Energy Section will receive \$878,299 for three Special Project grants and one Formula Program grant. Partners – including academic institutions, communities, and Iowa businesses – will contribute at least \$110,000 in additional funding to these projects, and the Energy Section expects to save Iowa taxpayers at least \$1M in energy bill savings through its programs.

The Formula Program grant will provide \$617,000 for the continuation of the Iowa Energy Program. This funding will pay for the Iowa Energy Bank, provide rural outreach, and leverage resources for economic-development and environmental-protection activities in the state. In addition, this Program will provide for the collection and analysis of information regarding Iowa's energy stocks.

The Special Project grants will address three individual projects within the state; Industries of the Future, Rebuild Iowa, and Biomass. A description of those projects is included below.

Industries of the Future ***(Federal Award: \$88,688)***

The new Industries of the Future Grant will expand the Bureau's 2006 Pollution Prevention Intern Program to address Iowa's large energy consuming industrial plants that have energy bills in excess of \$2 million per year. The Pollution Prevention team, with project partners, will conduct industrial systems and plant assessments to identify opportunities for energy efficiency assistance and energy savings.

The Bureau's nationally recognized Pollution Prevention Intern Program will place college graduate and upper-level undergraduate students in industry for twelve-weeks. The goal of these students is to help identify, evaluate and implement environmental solutions for specific issues or processes in a hands-on, industrial setting. Through a competitive selection process for both business and interns, students will be matched with energy efficiency (E2) and pollution prevention (P2) projects submitted by potential host facilities. Selected interns will receive one week of system-based E2/P2 training from the Pollution Prevention Team, then begin working on their respective projects. Host facility supervisors will then develop work plans and ensure management support, while Pollution Prevention engineers will provide mentoring and technical assistance. The Pollution Prevention Team will be in constant communication with the host facility and the interns, providing support and assistance as needed.

To accomplish the goals of the project, the Pollution Prevention Team will market directly to Iowa industries on DOE's list of Large Energy Users and after the end of the Intern Program's application deadline, select the eleven Large Energy User projects based on their potential for achievable reductions and conservation. The most qualified students will be matched to the projects.

Rebuild Iowa

(Federal Award: \$100,000)

The Energy Section will develop a "Community Energy Clean Sweep" program. The Section will select one or two Rebuild partnership communities that have both the potential to significantly reduce their Energy Intensity and an aggressive action plan for ensuring real and substantial Energy Intensity reductions.

To achieve the goals set forth in the proposal, the Section will organize a Community Energy Clean Sweep Coordinating Council (Council), made of stakeholder groups and organized to provide information and extra- Department perspective throughout the project. The Section will also confer with the Office of Consumer Advocate (OCA) to target communities with the greatest potential and need for reducing energy waste. The OCA monitors data on Iowa's Energy Intensity.

The Department will scrutinize the data for communities with high Energy Intensity indices, and, with input from the Coordinating Council, develop criteria for determining which have the best probabilities for presenting compelling "Energy Clean Sweep" action plans.

The Department will then select a community or communities to participate in the Community Energy Clean Sweep Program and will monitor their progress over the year.

Biomass

(Federal Award: \$72,611)

The goal of this project is to reduce reliance on foreign oil imports by decreasing dependence on petroleum-based products and significantly increasing the use and procurement of biomass-based technologies and products in an Iowa Rebuild America community. Bio-product markets to be targeted include, at a minimum, bio-fuels, lubricants and fluids, construction materials, bio-based furniture, and mulch and soil conditioners.

This pilot project will focus on one Rebuild America community in Iowa. The Energy Section has worked successfully with these communities since 1997 to implement numerous energy efficiency programs and measures. The marketing activities of this project will provide a valuable platform for promoting bio-based products and technologies that ultimately decrease our dependence on foreign oil sources.

To encourage a high level of bio-product usage and procurement market development activities will be focused on public facilities and fleets within the Rebuild Iowa community. Market development and conditioning efforts will include the development of a bio-product information packet; development and presentation of a bio-product workshop; on-site consultations with public purchasing, maintenance, and fleet management staff; and on-site evaluation and inventory of bio-product usage potential.

At the culmination of all project activities, the Energy Section, with assistance from the Rebuild Coordinator, will market the project successes to other Rebuild America communities. The Section will also market the results of the project as a pilot for the development of state bio-product procurement policies.

INFORMATIONAL ONLY

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT

October, 2005

Proposal	Notice to Comm	Notice Published	ARC#	Rules Review committee	Hearing	Comment Period	Final Summary to comm.	Rules Adopted	Rules published	ARC#	Rules Review Committee	Rule Effective
1. Ch 20,												

22 - Air Construct ion Permittin g Exemptio ns	10/17/05	*11/09/05		*12/13/05	*12/12/05	*12/14/05	*1/16/06	*1/16/06	*2/15/06		*3/14/06	*4/18/06
2. Ch. 23 - NESHAP Update	7/18/05	8/17/05	4434B	9/13/05	9/16/05	9/16/05	10/17/05	*10/17/05	*11/09/05		*12/13/05	*12/14/05
3. Ch. 60, 62, 63 - Effluent Pretreat ment Standard s - Federal							10/17/05	*10/17/05	*11/09/05		*12/13/05	*12/14/05
4. Ch. 61 - WQ Standard s: Warm Weather Stream Use Designati on Assessm ent Protocol	8/15/05	9/14/05	4504B	10/11/05	10/05, 10, 12, 14/05	10/28/05	*11/14/05	*11/14/05	*12/07/05		*1/10/06	*1/11/06
5. Ch. 61 - WQ Standard s: Protected Flow, General Use Classifica tion Changes and the Rebuttabl e Presumpt ion Approach	8/15/05	9/14/05	4505B	10/11/05	10/05, 10, 12, 14/05	10/28/05	*11/14/05	*11/14/05	*12/07/05		*1/10/06	*1/11/06
6. Ch. 64 - Fee Collectio n for Wastewa ter Permits	10/17/05	*11/09/05		*12/13/05			*1/16/06	*1/16/06	*2/15/06		*3/14/06	*4/18/06
7. Ch. 65 - Technical Correctio ns and Additions to Table 1 - Major Water Sources	10/17/05	*11/09/05		*12/13/05	*12/01/05	*12/01/05	*1/16/06	*1/16/06	*2/15/06		*3/14/06	*4/18/06
8. Ch. 65 - Open Feedlot Regulatio ns	8/15/05	9/14/05	4506B	10/11/05	10/04, 05, 06, 07/05	10/14/05	*11/14/05	*11/14/05	*12/07/05		*1/10/06	*1/11/06
9. Ch. 101 - Solid Waste Compreh ensive Planning Requirem ents	10/17/05	*11/09/05		*12/13/05			*1/16/06	*1/16/06	*2/15/06		*3/14/06	*4/18/06
10. Ch. 135 - Technical	4/18/05	5/11/05	4164B	6/14/05	5/31/05 6/1, 2/05	6/10/05	*11/14/05	*11/14/05	*12/07/05		*1/10/06	*1/11/06

Standards and Corrective Action Requirements for Owners and Operators of USTs												
11. Ch. 135 – Technical Standards and Corrective Action Requirements for Owners and Operators of USTs; Ch. 134 – Certification of Groundwater Professionals	10/17/05	*11/09/05		*12/13/05	*11/29, 30/05 12/02/05	*12/02/05	*1/16/06	*1/16/06	*2/15/06		*3/14/06	*4/18/06
12. Ch. 136 – Financial Responsibility Requirements for USTs	6/20/05	7/20/05	4353B	8/09/05	8/09/05	8/12/05	10/17/05	*10/17/05	*11/09/05		*12/13/05	*12/14/05
13. Ch. 211 – Financial Assistance for the Collection of Household Hazardous Materials and Hazardous Waste from Conditionally Exempt Small Quantity Generators; Ch. 123 – Regional Collection Centers and Mobile Unit Collection and Consolidated Center	10/17/05	*11/09/05		*12/13/05			*1/16/05	*1/16/05	*2/15/06		*3/14/06	*4/16/06

<p align="center">Monthly Variance Report</p> <p align="center">September 2005</p>						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Clayton County Health Dept.	Water Supply	Smith & Boucher Engineers	Hydropneumatic Pressure Tanks	Approved	08/24/05
2	Keast Enterprises	Energy & Waste Mgt.		Dead Animal Composting	Approved	08/23/05
3	Janden, Ltd.	Energy & Waste Mgt.		Dead Animal Composting	Approved	08/18/05
4	Vittetoe, Ltd.	Energy & Waste Mgt.		Dead Animal Composting	Approved	08/17/05
5	Vittetoe, Ltd.	Energy & Waste Mgt.		Dead Animal Composting	Approved	08/17/05
6	Grain Processing Corp.	Air Quality		Synfuel Trial Burn	Denied	08/09/05
7	East Fork/Grand River Watershed	Water Resources	NRCS	Principal Spillway Design Storm Criterion	Approved	08/18/05
8	Washington County Conservation Board	Water Supply	Cary J. Solberg, MMS Consultants	Non-ASME Pressure Tanks	Denied	07/26/05
9	City of Iowa City	Energy & Waste Mgt.	Howard R. Green Co.	Leachate Collection System Drainage Layer	Approved	08/03/05
10	Winnesheik County Conservation	Water Supply	Donald R. Labate, Iowa DNR	No-Tank Vessel	Approved	08/09/05
11	Kestrel CREP Wetland Structure	Water Resources	Kuehl and Payer	Freeboard Design Storm Criterion	Approved	08/09/05
12	DuPont Performance Coatings	Air Quality		Operate Solvent Recovery Unit Uncontrolled for Emergency Repairs	Approved	08/02/05
13	City of Earling	Water Supply	Kuehl and Payer	Raw Water Testing	Denied	08/04/05
14	City of Greenville	Wastewater	North American Wetland Engineering	Gravity Sewer System w/o Manholes	Approved	06/27/05

15	Great River Regional Waste Authority	Energy & Waste Mgt.	Barker Lemar Engineering Consultants	Leachate Collection System Drainage Layer	Approved	07/27/05
16	Ellis CREP Wetland Structure	Water Resources	Kuehl and Payer	Freeboard Design Storm Criterion	Approved	07/28/05
17	Lake Darling State Park	Wastewater	Stanley Consultants	Pumping Stations w/in Park System	Approved	07/26/05

**Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions**

During the period September 1, 2005, through September 30, 2005, 48 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance					Mode			
		Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	52 (73)	2 (11)	29 (45)	21 (17)	17 (21)	27 (41)	2 (2)	2 (1)	0 (3)	4 (5)
November	68 (70)	14 (9)	33 (42)	20 (19)	21 (20)	34 (39)	1 (1)	2 (1)	0 (1)	10 (8)
December	58 (51)	8 (10)	34 (29)	16 (12)	19 (21)	29 (27)	3 (0)	2 (0)	0 (1)	5 (2)
January	58 (44)	6 (7)	36 (25)	16 (12)	20 (9)	28 (32)	1 (2)	1 (0)	1 (1)	7 (0)
February	46 (41)	4 (5)	25 (20)	17 (16)	12 (13)	24 (24)	4 (1)	2 (1)	1 (0)	3 (2)
March	70 (71)	11 (9)	43 (38)	16 (24)	25 (21)	33 (47)	1 (0)	1 (1)	3 (0)	7 (2)
April	102 (99)	35 (44)	46 (42)	21 (13)	32 (30)	51 (63)	2 (0)	3 (3)	3 (0)	11 (3)
May	60 (66)	20 (17)	29 (40)	11 (9)	23 (18)	29 (39)	1 (2)	3 (2)	0 (0)	4 (5)
June	88 (77)	12 (18)	56 (43)	20 (16)	22 (26)	52 (42)	2 (1)	6 (0)	1 (1)	5 (7)
July	70 (76)	7 (19)	37 (44)	26 (12)	23 (12)	33 (56)	2 (0)	4 (0)	0 (4)	8 (4)
August	82 (57)	13 (11)	48 (35)	21 (11)	23 (18)	46 (30)	2 (3)	2 (2)	1 (0)	8 (4)
September	48 (55)	10 (15)	30 (33)	8 (7)	12 (13)	27 (30)	1 (2)	1 (3)	0 (0)	7 (7)
Total	802 (780)	142 (175)	446 (436)	213 (168)	249 (222)	413 (470)	22 (14)	29 (14)	10 (11)	79 (49)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month.

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
7	8	8	4	13	8

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period September 1, 2005, through September 30, 2005, 1 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot Application	Confinement	Land	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	15 (8)	0 (0)	6 (2)	6 (2)	3 (2)	13 (6)	2 (0)	0 (0)	0 (0)	2 (0)
November	9 (5)	2 (0)	4 (2)	1 (2)	2 (1)	6 (5)	2 (0)	0 (0)	1 (0)	1 (0)
December	2 (4)	0 (0)	2 (2)	0 (0)	0 (2)	2 (3)	0 (0)	0 (1)	0 (0)	0 (1)
January	0 (1)	0 (0)	0 (1)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	1 (1)	0 (0)	0 (0)	0 (1)	1 (0)	0 (1)	0 (0)	1 (0)	0 (0)	0 (0)
March	1 (5)	0 (1)	1 (0)	0 (0)	0 (3)	0 (4)	1 (0)	0 (0)	0 (0)	1 (1)
April	6 (10)	0 (0)	2 (4)	1 (4)	3 (2)	5 (7)	1 (3)	0 (0)	0 (0)	0 (5)
May	3 (2)	1 (0)	1 (1)	0 (0)	1 (1)	2 (2)	1 (0)	0 (0)	0 (0)	0 (0)
June	2 (2)	0 (0)	1 (1)	0 (0)	1 (1)	0 (2)	2 (0)	0 (0)	0 (0)	0 (1)
July	3 (2)	1 (0)	2 (2)	0 (0)	0 (0)	2 (1)	1 (1)	0 (0)	0 (0)	2 (2)
August	1 (1)	1 (0)	0 (0)	0 (0)	0 (1)	1 (0)	0 (0)	0 (0)	0 (1)	1 (0)
September	1 (2)	0 (0)	0 (1)	0 (1)	1 (0)	1 (1)	0 (1)	0 (0)	0 (0)	0 (1)
Total	44 (43)	5 (1)	19 (16)	8 (10)	0 (0)	32 (33)	10 (5)	1 (1)	1 (1)	7 (11)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month.

1	2	3	4	5	6
0	1	0	0	0	0

DATE: October 1, 2005

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Chimney Rock Canoe Rental & Campground, Cresco (1)	Drinking Water	MCL – Bacteria; Public Notice	Emergency Order	9/02/05
Gary R. Johnson, Allamakee Co. (1)	Animal Feeding Operation	Separation Distance	Consent Order \$5,000	9/02/05
Grain Processing Corp., Muscatine (6)	Air Quality Solid Waste	Construction Without Permit; Emission Standards; Operational Violations	Consent Order \$10,000	9/02/05
Schmidt Distributors, Inc. dba Shoppers Supply Club, Ft. Dodge (2)	Air Quality	Open Burning	Consent Amendment	9/07/05
Top of Iowa Cooperative, Ventura (2)	Air Quality	Fugitive Dust	Consent Order	9/16/05
Atlantic, City of (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$8,000	9/16/05
Dennis Kuehl, Cass Co. (4)	Animal Feeding Operation	Failure to Submit Plan	Payment Schedule	9/16/05
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to AG	9/19/05
Plymouth Dairy Farms, Plymouth Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Record Keeping; Application in Excess of Crop Usage Rate; Freeboard	Referred to AG	9/19/05

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Environmental Protection Commission Minutes

IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

DATE: October 1, 2005
TO: Environmental Protection Commission
FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
R & R Ranch (Osceola)	WW	10,000	8-30-00
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Donald and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
# Troy DeGroot; Casey DeGroot (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
Peter Cook (Grand Mound)	AQ/SW	500	2-10-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
	UT	32,690	2-28-03
U.S. PETRO, INC.; SSJG PETROLEUM; SUKHDEV SINGH			
	UT	44,900	2-28-03
MIDWAY OIL CO.; DAVID REQUET; JOHN BLISS			
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
Robert L. Nelson (Orient)	UT	2,450	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
# James Hoogland (Sioux Co.)	AFO	2,000	4-11-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
John Danker (Lee Co.)	AQ/SW	10,000	5-22-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
##Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,500	9-01-04

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Fran Oil Company (Council Bluffs)	UT	6,896	8-01-04
Ranch Supper Club (Swisher)	WS	2,500	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
#*James Boller (Kalona)	AFO	4,750	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	2,900	9-11-04
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	500	10-30-05
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Friendly Tavern (Quasqueton)	WS	500	11-29-04
Americana Bowl (Ft. Madison)	WS	500	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
# Doug Sweeny (O'Brien Co.)	AFO	750	1-02-05
# Dean Pedersen (Pocahontas Co.)	AFO	750	1-19-05
# Dean Paustian (Scott Co.)	AFO	750	2-07-05
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Roquette America, Inc. (Keokuk)	WW	10,000	3-04-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
#*Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	4,450	6-06-05
* Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,150	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	10,000	6-10-05
* Dennis Gailey (Moorland)	AQ/SW	5,300	6-18-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
# Scott Antisdell (Carroll Co.)	AFO	750	6-21-05
# Dennis Kuehl (Cass Co.)	AFO	3,000	6-24-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
* Country Terrace Mobile Home Park (Ames)	WW	2,790	10-01-05
# Steve Grettenberg (Webster Co.)	AFO	500	7-02-05
David Carlisle (Ringgold Co.)	SW	3,500	7-23-05
#*Miles McDougall (Plymouth Co.)	AFO	250	9-04-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Dr. Ed Cook (Cherokee Co.)	AQ	2,000	8-11-05
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	2,100	9-19-05
* Imperial Properties, Inc. (Des Moines)	UT	1,000	10-01-05
* Exira, City of	AQ/SW	2,000	10-01-05
#*E & N Farms, Ltd. (Lyon Co.)	AFO	2,900	10-15-05
* Crest Country Inn (Iowa Co.) No. 2	WW	1,500	10-15-05
Vernon Kinsinger (Washington Co)	SW	8,130	12-31-05
# Rick Renken (Plymouth Co.)	AFO	750	11-03-05
#*Gary R. Johnson (Allamakee Co.)	AFO	4,500	10-15-05
Stuart Yoder	AQ/SW	5,000	----
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	----
TOTAL		399,446	

The following cases have been referred to the Attorney General:

Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Mark Buringrud fdbs Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Mobile World LC (Camanche)	AQ/SW	10,000	5-30-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
# Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000	3-23-04
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000	
Richard Juhl (Cass Co.)	AQ/SW	4,700	

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Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	6-22-04
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	6-22-04
# Jim Dos (Black Hawk Co.)	AFO	3,000	5-04-05
# Travis Aldag (Ida Co.)	AFO	3,000	8-17-04
# David Kass (Plymouth Co.)	AFO	3,000	10-02-04
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300	
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000	
# Dean & Sharon Gettler (Montgomery Co.)	AFO	3,000	
TOTAL		259,930	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dallas County Care Facility (Adel)	WW	2,500
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Dallas County Care Facility (Adel)	WW	5,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
Charlotte Caves (Oskaloosa)	HC	10,000
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750

# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Shenandoah, City of	AQ/SW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Curt Kline; Connie Kline (Dunlap)	AQ	5,575
# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Alton, City of	FP	5,000
Casey's Marketing Co. (5 locations)	UT	18,101
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
# Steve Renze (Sac Co.)	AFO	3,000
# Doug Renze (Sac Co.)	AFO	3,000
# Eischeid Farms (Carroll Co.)	AFO	3,000
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# John Hansen (Sioux Co.)	AFO	3,000
# B & B Sandhill Swine, Inc. (Olin)	AFO	3,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Harold Deckers; HPD Pork (Sioux Co.)	AFO	3,000
# James VerMeer (Sioux Co.)	AFO	3,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
# James Schmitz (Plymouth Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
Bill Schrock (Stockport)	SW/WW	2,000
Iowa State University Heating Plant (Ames)	WW	1,500
# Dave Borchers (Plymouth Co.)	AFO	1,500
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Rose Bartles (Glenwood)	AQ/SW	1,500
# Teske Pork, LLC (Hardin Co.)	AFO	3,000
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
Paul Shimp & S & V Fence Co. (Eldridge)	AQ	3,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
Patrick M. Pinney Contractors, Inc. (Sioux City)	SW	2,000
Patrick M. Pinney Contractors (Sioux City)	AQ	3,000
# Greg Vanden Bosch; G & T Eggs (Sioux Co.)	AFO	1,500
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000
# Darrell Behrens; Kelly Behrens (Buena Vista Co.)	AFO	3,000
Donald Hopp (Mills Co.)	SW	2,200
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
# Steve Bouchard (Cherokee Co.)	AFO	3,000
James Brown; Brian Stickney (Oto)	AQ	3,500

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# Keith Kruse (Clay Co.)	AFO	1,500
Crestview Mobile Home Park (Ames)	WW	10,000
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Greg Gerber (Lyon Co.)	AFO	3,000
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
# Paul Rehder (O'Brien Co.)	AFO	3,000
# Matt Gehling (Carroll Co.)	AFO	1,500
Wayne Staab (Plymouth Co.)	AQ	1,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Consolidated Energy Co. LLC (Whiting)	UT	6,000
Russell Knobbe; Knobbe Bros.; Mello Knobbe (Carroll Co.)	AQ	1,000
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Lawler, City of	WW	3,000
Jim Hawk Truck-Trailers of Davenport, Inc. (Davenport)	UT	6,427
# Rick Nikkel (Jasper Co.)	AFO	3,000
# Rick Halma (Lyon Co.)	AFO	3,000
Olsen Fuel Supply, Inc. (Atlantic)	UT	7,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
# Ivan Kenney (Guthrie Co.)	AFO	3,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
# Patrick Jones (Dickinson Co.)	AFO	1,500
Fran Oil Co. (Council Bluffs)	UT	7,000
Fran Oil Co. (Council Bluffs)	UT	3,000
Iowa Oil Co.; HRV Petro; Two Holdings (Dubuque)	UT	6,300
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Stewart Construction Ltd. (Lyon Co.)	AQ/SW	2,500
William Butterfield (Mason City)	AQ/SW	3,000
Dirk Graves (Glenwood)	AQ	1,000
Roger Holland (Farmington)	WW	7,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500
Reginald Parcel (Henry Co.)	AQ/SW	1,000
Paul Launderville; Midwest Tennis & Track (Denison)	AQ/SW	7,500
Atlantic, City of	AQ/SW	10,000
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
# Douglas J. Pudenz (Carroll Co.)	AFO	8,000
# Scott Lenz (Carroll Co.)	AFO	8,000
# William Mauw; Mauw's Egg Ranch (Sioux Co.)	AFO	3,000
TOTAL		634,604

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
* Imperial Properties, Inc. (Des Moines)	UT	1,000
* Exira, City of	AQ/SW	1,000
* Country Terrace Mobile Home Park (Ames)	WW	110

#*Miles McDougall (Plymouth Co.)	AFO	125
Williams Brothers Garage (Atlantic)	AQ/SW/WW	4,000
# Hunt Brothers; Steve and Chris Hunt (O'Brien Co.)	AFO	1,500
# JK Farms, Inc. (Plymouth Co.)	AFO	3,000
O R Entertainment d/b/a Ringo's (Mason City)	WS	1,025
Grain Processing Corporation (Muscatine)	AQ	10,000
#*Gary R. Johnson (Allamakee Co.)	AFO	500
Greg Popkes; Popkes Car Care, Inc. (Rock Rapids)	AQ	1,000
#*E & N Farms, Ltd. (Lyon Co.)	AFO	100
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	100
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	500
Tschiggfrie Excavating Co. (Dubuque)	WW	5,000

28,960

TOTAL

Attorney General Referrals Report

<u>Name, Location and Region Number</u>	<u>Program</u>	<u>Alleged Violation</u>	<u>DNR Action</u>	<u>New or Updated Status</u>	<u>Date</u>
Aldag, Travis Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	7/18/05
Boyer, William Boyer's Sand & Rock Hawarden (3)	Underground Tank	UST Closure	Order/Penalty	Referred	7/18/05
CDI, LLC Forest City (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/28/05
Clinton, City of (6) NEW	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Dos, Jim Black Hawk Co. (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	7/18/05
Ellis, Trent Calhoun Co. (3)	Solid Waste Air Quality Animal Feeding Operation	Illegal Disposal; Open Burning; Prohibited Discharge – Confinement	Order/Penalty	Referred Petition Filed Answer Motion for Partial Summary Judgment Ruling Granting Partial Summary Judgment (\$3,000/Admin.; Injunction; Lia	8/16/04 2/25/05 3/21/05 7/01/05 8/01/05 9/29/05

					ble for Civil Penalties) Trial Date for Civil Penalties	
Gettler, Dean Montgomery Co. (4)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	8/16/05	
Ginger, Roger Everly (3)	Underground Tank	UST Closure	Order/Penalty	Referred	5/15/05	
Grain Processing Corp. Muscatine (6)	Air Quality	Emission Standards	Referred to Attorney General	Referred	2/21/05	
Juhl, Richard Cass Co. (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/28/05	
Kass, David Plymouth Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	7/18/05	
Kelly, Pat d/b/a Kelley Construction Woodbine (4)	Underground Tank	UST Closure	Order/Penalty	Referred	5/16/05	
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 9/30/05	

Mobile World LC Camanche (6)	Air Quality Solid Waste	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed Bankruptcy Petition Filed Plan for Reorganization Appearance by State in Bankruptcy	8/16/04 4/08/05 4/13/05 4/13/05 6/17/05
Northeast Iowa Citizens for Clean Water (NICCW)	Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to Interlocutory Appeal Supreme Court Order Denying NICCW's Appeal NICCW's Motion for Summary Judgment Trial Date State's Brief in Resistance to Motion for Partial Summary	8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03 12/22/03 1/29/04 2/04/04 3/01/04 4/08/04 4/20/04 4/28/04 5/11/04 6/08/04 2/25/05 2/27/06 5/16/05 6/02/05 6/22/05

Judgment
Hearing on
Motion for
Partial
Summary
Judgment
Ruling
Granting
Partial
Summary
Judgment

Organic Technologies; Tim Danley;			Referred to	Referred	12/15/97
Ken Renfrow; Mike Danley	Solid Waste	Permit Violations	Attorney General	Petition Filed	10/02/98
Warren Co. (5)				Application	2/04/99
UPDATED				for	4/19/99
				Temporary	9/13/00
				Injunction	9/28/00
				Temporary	12/12/02
				Injunction	2/20/03
				Trial Date	2/20/03
				Partial	
				Judgment	
				(Clean-up	7/09/03
				Order)	8/01/03
				Contempt	
				Application	8/01/03
				Contempt	8/20/03
				Hearing Date	9/18/03
				Contempt	4/16/04
				Finding and	12/10/04
				Civil Penalty	
				(\$100,000	1/05/05
				and 30 Days	
				in Jail –	
				Suspended	
				until 7/8/03)	
				Hearing	
				Regarding	
				Contempt	
				Order	
				Regarding	
				Bond/Cleanup	
				Deadline	
				Bond Posted	
				State	
				Objections to	
				Bond	
				Ruling	
				Denying	
				Objections to	
				Bond	
				Status	
				Hearing Date	
				Hearing on	
				Motion to	
				Extend	
				Cleanup	
				Deadline	
				Order	
				Reinstating	
				\$100,000	
				Civil	
				Penalty	

Plymouth Dairy Farms Plymouth Co. (3) NEW	Animal Feeding Operation	Prohibited Discharge – Confinement; Record Keeping; Application in Excess of Crop Usage Rate; Freeboard	Referred to Attorney General	Referred	9/19/05
Robertson, Ryan Jefferson Co. (6) UPDATED	Wastewater	Stormwater Violations	Permit	Referred to Attorney General	Referred Petition Filed 4/27/05 9/26/05
Roney, Jerry Huxley (5)	Underground Tank	Site Assessment	Order	Referred	5/16/05
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order	Referred	4/21/03
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense	Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date Motion for Continuance Order Granting Continuance Trial Date	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05 6/29/05 6/29/05 4/24/06
Schelling, Carl Sioux Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed	10/18/04 1/27/05
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth UPDATED	(1) Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Refered Petition Filed Application for Contempt Contempt Hearing Order for Contempt	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05 8/05/05 4/01/05 5/03/05

(\$3,000 fine) 5/03/05
 Arrest 7/06/05
 Warrant 8/05/05
 Issued 8/05/05
 Contempt/Temporary
 Injunction
 Hearing
 Temporary
 Injunction
 Granted
 Contempt
 Hearing Date
 Contempt
 Hearing
 Order Finding
 Defendant in
 Contempt
 \$3,000 Fine

Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Answer Filed	10/18/04 11/04/04
SK Food & Fuel Davenport (6) UST 8606991/1511 Locust	Underground Tank	UST Deficiencies; Check	System Site	Referred to Attorney General	Referred 7/18/05
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed State Motion to Dismiss Hearing Trial Date Ruling Dismissing Damage Claims	12/06/04 1/10/05 3/07/05 4/25/06 5/17/05

Contested Case Status Report

12/12/95	Vernon Kinsinger	6	Order/Penalty	AQ/SW	Tack	Resolved by Consent Order entered 8/23/05. Case closed.
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
12/01/00	Postville, City of	1	Order	WW	Tack*	Court hearing set for 2/05.
8/09/01	Nevada, City of	5	Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. City will submit SEP proposal in June, 2005.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty. Refer to DIA.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal

						resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Tack*	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be submitted.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Hearing continued to 2/10/06. Ward has hired a contractor to complete clean-up this fall.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	3/03 – One year of TKN monitoring completed by City. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff. Per Dept. engineer – 3/29/04 City to perform more stream sampling. 6/15/04 – City report received – under review. 7/19/04 – WQ section reviewed stream study results and recalculated WLA and NPDES permit limits. 7/27/04 – WW permits staff to review WLA/permit limits. 8/31/04 – Update requested from WW permits staff. 9/04 – Update requested from WW permits staff. 10/29/04 – Dept. letter to City resolving issue of TKN monitoring. Case settled. 11/04/04 – City's letter agreeing to dismiss appeal upon issuance of NPDES permit with no TKN monitoring requirements.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	Settlement completed. Penalty forgiven. Case closed.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received

						for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment. Sent to the Dept. of Revenue and Finance.
10/01/02	Stan Siems	2	Order/Penalty	AQ/SW	Tack	All tires have been removed. Solid waste to be removed by 10/31/05. Settlement offer sent 9/28/05.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Tentative settlement reached 7/22/05.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Clark*	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney. 5/12/04 – Appellant's response.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	Order/Penalty	UT	Wornson	Compliance achieved except negotiating penalty/SEP before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	Variance Denial	AQ	Preziosi	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 5/05 – Status report

						requested from Dept. engineer.
9/02/03	Kent Kiburz	2	Order/Penalty	SW	Tack	Clean-up completed. Negotiating penalty.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	Compliance on non-penalty terms completed. Preparing settlement with non-appealing party, Rausch. Will dismiss Easter Enterprises, Inc. as a party.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/25/03	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	Order/Penalty	UT	Wornson	Compliance achieved. SEP proposed.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
11/19/03	Harlan Clasen	3	Order/Penalty	AQ/SW	Tack	Hearing continued to 10/13/05. Settlement offer sent 8/18/05.
11/19/03	Ron Fisher Furniture	1	Amended Order	AQ	Schoenebaum	Negotiating before filing.
11/20/03	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	Order/Penalty	AQ/SW	Book	Consent amendment final. Payment plan on schedule.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
12/22/03	Pocahontas, City of	3	Order/Penalty	WW	Preziosi*	4/06/04 – Settlement offer by City. 4/13/04 – Offer accepted by DNR. 5/26/04 – Fish restitution paid. SEP to be finalized.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
2/23/04	American Shell Co., Inc.; James L. Peach		Order/Penalty	UT	Wornson	Settlement finalized. Case closed.
3/01/04	Shenandoah, City of	4	Order/Penalty	AQ/SW	Tack	Settled. Settlement agreement sent 6/24/05.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 –

						Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
4/19/04	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/23/04	Curt Kline; Connie Kline	4	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
4/26/04	Miles McDougal	3	Order/Penalty	AFO	Book	ALJ confirmed order with full penalty. Penalty plan in place and payments are on schedule.
5/04/04	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/06/04	Terry Nibbelink	3	Order/Penalty	AFO	Clark	5/06/08 - Sent to DIA to be set for hearing. No petition filed. Default issued.
5/11/04	Williams Brothers Garage	4	Order/Penalty	WW/SW/AQ	Tack	Clean-up is completed. \$4,000 penalty received 9/14/05. Case closed.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/12/04	Hunt Brothers; Chris Hunt	3	Order/Penalty	AFO	Book	Order and penalty affirmed by ALJ. Penalty payment received 9/14/05. Case closed.
5/13/04	Allen Hoeper	1	Order/Penalty	AFO	Clark	No petition filed. DNR filed for default. Awaiting decision.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/26/04	Casey's Marketing Co. (5 locations)	5	Order/Penalty	AFO	Wornson	Compliance achieved. Negotiating SEP.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/28/04	Maquoketa Shoreline Development, Inc.	1	Order/Penalty	WW	Tack*	Negotiating before filing.
6/09/04	Kevin Miller	1	Operation Permit	WS	Hansen	6/24/04 – FO1 letter to WS regarding permit requirements. 7/12/04 – Compliance with disinfection requirements initiated. 9/04 – Status report requested from FO regarding compliance. 3/17/05 – FO 1 reports that WS does not want to pursue appeal and they are complying with permit. WS to furnish letter dismissing appeal.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	Order/Penalty	WS	Hansen	7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04. 11/10/04 – Full penalty paid and letter from WS's engineer submitted. Dept. engineer determined that letter did not meet Dept. requirements for an engineering report. Hearing re-set for 9/16/05. Settlement meeting set for 7/27/05. Meeting held – proposed consent order discussed.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Negotiating before filing.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/04	Doug Renze	3	Order/Penalty	AFO	Clark	Hearing rescheduled for 10/24/05.

6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Negotiating before filing.
6/25/04	Eischeid Farms, Inc.	4	Order/Penalty	AFO	Clark	Hearing rescheduled for 10/17/05.
6/25/04	Steve Renze	3	Order/Penalty	AFO	Clark	Hearing rescheduled for 10/17/05.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
6/28/04	Marvin Bates	6	Order/Penalty	AQ/SW/WW	Tack	Site visit to be scheduled.
6/29/04	Imperial Properties	5	Order/Penalty	UT	Wornson	Settlement finalized. Case closed.
7/15/04	Dean and Sharon Gettler	4	Order/Penalty	AFO	Book	8/15/05 – Referred to AG.
7/26/04	B & B Sandhill Swine	1	Order/Penalty	AFO	Clark	Hearing set for 9/15/05.
7/26/04	Randy Gergen	3	Order/Penalty	AFO	Clark	Hearing set for 8/29/05. No petition filed. Default entered.
7/27/04	John Hansen Farms	3	Order/Penalty	AFO	Clark	Hearing held 8/29/05. Decision issued 9/05. Order and penalty dismissed.
8/02/04	James Vermeer	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
8/02/04	Dennis Rowenhorst	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	WW Permits drafted NPDES permit with revised permit limits and compliance schedule. Legal Services to draft amended order with interim limits.
8/17/04	Harold Dekkers	3	Order/Penalty	AFO	Book	Hearing held 8/29/05. Decision issued 9/23/05. Order and penalty affirmed.
8/19/04	F.J. Krob & Co.	1	Order/Penalty	HC/WW	Tack*	Settled on 9/28/05. Waiting for return of signed document.
8/26/04	Jim Schmitz	3	Order/Penalty	AFO	Clark	Hearing held 8/29/05. Decision issued 9/05. Order and penalty affirmed.
9/01/04	Iowa State University	5	Order/Penalty	WW	Hansen	Negotiating before filing.
9/03/04	David Borchers	3	Order/Penalty	AFO	Book	No petition was filed. Dept. filed for default. Default granted.
9/10/04	Tschiggfrie Excavating Co.	1	Order/Penalty	WW	Tack	Compliance achieved. Settlement offer sent 9/9/05.
9/14/04	Bill Schrock	6	Order/Penalty	WW/SW	Tack	Negotiating before filing.
9/29/04	EnviroBate	4	Order/Penalty	AQ	Book	Meeting schedule for 5/31/05. Meeting to be rescheduled at the request of EnviroBate. Meeting rescheduled for 11/01/05.
10/04/04	Rose M. Bartles	4	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
10/05/04	Mike Teske; Teske Pork	2	Order/Penalty	AFO	Clark	Hearing held 8/30/05. Decision issued 9/05. Order and penalty affirmed.
10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	To be set for hearing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/SW	Tack	Cleaning up property.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
10/14/04	Linn Grove Hatchery	3	Order/Penalty	AFO	Book	Hearing set for 9/30/05.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	To be set for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
10/26/04	S & V Fence & Deck Co.	6	Order/Penalty	AQ	Book	Settled. Awaiting signed consent amendment.
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	Order/Penalty	AFO	Tack	Settlement meeting to be set.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Hearing rescheduled for 10/24/05.
11/03/04	Patrick M. Pinney	3	Order/Penalty	AQ	Book	Negotiating before filing.

	Contractors					
11/03/04	Greg Vanden Bosch; G & T Eggs	3	Order/Penalty	AFO	Book	Hearing set for 8/30/05. Decision issued 9/05. Order and penalty affirmed.
11/03/04	Leland Heisdorffer	6	Order/Penalty	AQ/SW/WW	Tack	ALJ decision issued 5/24/05. ALJ decision appealed to EPC. Proposed decision upheld by EPC. Case closed.
11/05/04	Darrel Behrens; Kelly Behrens	3	Order/Penalty	AFO	Book	Hearing set for 9/19/05.
11/09/04	Donald Hopp	4	Order/Penalty	SW	Tack	Clean-up is underway.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
11/19/04	Steve Bouchard	3	Order/Penalty	AFO	Book	Hearing set for 9/19/05.
11/30/04	James Brown	3	Order/Penalty	AQ	Book	Waiting to hear from parties on settlement offer.
12/06/04	Keith Kruse	3	Order/Penalty	AFO	Clark	Hearing scheduled for 11/21/05.
12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	Hearing set for 11/21/05.
12/07/04	Crestview MHP	5	Order/Penalty	WW	Hansen	8/02/05 – Consent Order sent to MHP attorney for signature.
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/17/04	Greg Gerber	3	Order/Penalty	AFO	Book	Hearing set for 9/19/05.
1/03/05	Paul Rehder	3	Order/Penalty	AFO	Clark	Hearing scheduled for 11/18/05.
1/04/05	Matt Gehling	4	Order/Penalty	AFO	Clark	Hearing scheduled for 11/21/05.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	To be set for hearing.
1/06/05	E & N Farms	3	Order/Penalty	AFO	Clark	Settled. Payment plan on schedule.
1/07/05	Wayne A. Staab	3	Order/Penalty	AQ	Preziosi	Hearing held 5/31/05. Both parties appealed to EPC. Briefing schedule set. Appeal will be before EPC at September meeting.
1/14/05	Russell Knobbe dba Knobbe Bros. Feedlot; Mello Knobbe	4	Order/Penalty	AQ	Preziosi	Hearing set for 10/7/05.
1/18/05	MKKS, LC (5 sites)	5	Order/Penalty	UT	Wornson	Settlement conference scheduled for October.
1/19/05	Consolidated Energy	4	Order/Penalty	UT	Wornson	Settled. Finalize agreement.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05. No response received. To be set for hearing.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	Negotiating before filing.
1/25/05	Jim Hawk Truck Trailers	6	Order/Penalty	UT	Wornson	Settled. Finalize agreement.
2/03/05	Olsen Fuel Supply, Inc.	4	Order/Penalty	UT	Wornson	Negotiating before filing.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	Negotiating before filing.
2/08/05	Crestview Mobile Home Park	5	Permit Conditions	WS	Hansen	Settled. Amended permit drafted.
2/14/05	Rick Halma	3	Order/Penalty	AFO	Book	Hearing set for 11/18/05.
2/16/05	Rick Nikkel	5	Order/Penalty	AFO	Book	Hearing set for 11/18/05.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	Negotiating before filing.
3/03/05	Ivan Kenney	4	Order/Penalty	AFO	Clark	Hearing scheduled for 10/24/05.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/SW	Tack	Follow-up inspection requested 5/19/05.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing.

	02/Brady St., Davenport 8606991					
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/23/05	Patrick Jones	3	Order/Penalty	AFO	Book	Hearing set for 11/21/05.
3/25/05	Fran Oil Co. (2 AOs)	4	Order/Penalty	UT	Wornson	Settlement conference 9/28/05.
3/25/05	Genesis Two Holdings	1	Order/Penalty	UT	Wornson	Negotiating before filing.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
3/25/05	Colleen Weber	2	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3/31/05	Stewart Construction, Inc.	3	Order/Penalty	AQ/SW	Tack	Clean-up completed. Settlement offer sent on 9/22/05.
3/31/05	William Butterfield	2	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	Negotiating before filing.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Negotiating before filing.
4/13/05	H & K Pony Express; Roger Holland	6	Order/Penalty	WW	Wornson	Settlement conference scheduled 9/29/05.
4/15/05	Reginald Parcel	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
5/02/05	Goettisch Trucking and Seed Co.	3	Order/Penalty	HC	Wornson	Negotiating before filing.
5/12/05	Atlantic, City of	4	Order/Penalty	AQ/SW	Preziosi	Working on consent order with appellant.
5/20/05	Midwest Tennis & Track	4	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	Negotiating before filing.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	Negotiating before filing.
8/11/05	Douglas Pudenz	4	Order/Penalty	AFO	Book	Negotiating before filing.
8/22/05	William Mauw; Mauw's Egg Ranch	3	Order/Penalty	AFO	Book	Negotiating before filing.

**Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes**

During the period September 1, 2005 through September 30, 2005, 3 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '04	9(8)	0.065	0.030	3	0(1)
November '04	11(4)	0.728	0.083	4	0(0)
December '04	7(11)	0.382	0.004	3	0(0)
January '05	6(5)	0.222	0.057	0	0(0)
February '05	9(10)	5.063	0.049	4	0(0)
March '05	9(7)	0.831	0.032	1	0(0)
April '05	14(8)	0.359	0.087	5	0(0)
May '05	18(9)	0.138	0.003	3	0(0)
June '05	7(7)	0.262	0.068	0	0(0)
July '05	5(3)	0.454	0.004	3	0(0)
August '05	8(13)	0.072	0.019	3	0(0)
September '05	3(5)	0.083	0.001	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	0	0	2	1

GENERAL DISCUSSION

Wayne Gieselman said that the water quality hearings have been completed around the state. There were about 20 individuals participate in the ICN meetings throughout the state. The general comments about the water quality standards have been:

- It costs too much.
- Concerns on whether it makes a significant change in water quality.
- Involvement of the locals.

The open feed lot hearings have also been completed.

General concerns included:

- Stockpiling issues and total containment for stockpiles.
- Confusion on the notification of spills

Regarding the Commission's decision to deny the permit for Tom and Kelly Doeden. I take some umbrage on the questioning of the integrity of my staff. They do not make these decisions lightly. There is counsel from the legal staff and Cindy Martens. Cindy's job is to assure that we review manure management plans consistently across the entire department. It's okay to disagree with rules, but I do take offense at some of the accusations about my staff giving bad advice. The advice has been consistent over time.

Donna Buell asked about Larry Hare's comments last month on discussing the operator's certification testing.

Wayne Gieselman said that a DNR staff person can come in and talk about the operator certification program sometime in the near future.

Henry Marquard would like to see this as an item on the agenda.

Francis Thicke asked that we add the stormwater issues as an agenda item for discussion. Regarding the timeliness in issuing them and pollution prevention plans. After last month's meeting, *Iowa Spokesman* came out with an article that painted the commission as getting outside of its territory. I did write a response article but it was not published since I was not a member.

Henry Marquard said that Grandview College and St. Ambrose University chapters of the Iowa Student Nurse's Association contacted me and wanted information on solid waste issues. They have a proposal that they are taking to the state convention for a project to make the public aware of the dangers of people throwing pharmaceutical products into the toilets and garbage cans. They requested the Commission's support on moving forward with this project.

Liz Christiansen suggested that they contact Brian Tormey, Bureau Chief of Waste Management in the DNR.

Linda Kinman said that currently there is no policy or provision for disposal of pharmaceuticals. Des Moines Water Works would support a provision.

Henry Marquard said that the resolution will be that the Environmental Protection Commission and the Department of Natural Resources supports the efforts of the Iowa Student Nurse's Association by bringing public awareness and action to the project involving the safe disposal of pharmaceuticals products and medical waste.

Motion was made by Donna Buell to support the resolution on the proper way to dispose of pharmaceuticals. Seconded by Francis Thicke. Motion carried unanimously.

NEXT MEETING DATES

November 21, 2005

ADJOURNMENT

Motion was made by David Petty to adjourn. Seconded by Donna Buell. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 4:10 p.m., Monday, October 17, 2005.

Jeffrey R. Vonk, Director

Darrell Hanson, Chair

Lisa Davis Cook, Secretary

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